



FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

AUG 22 2017

John Rowland
10 Executive Drive
Farmington, CT 06032

RE: MUR 6566

Dear Mr. Rowland:

On May 3, 2012, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On August 17, 2017, the Commission found, on the basis of the information in the complaint and other available information, that there is no reason to believe you violated 52 U.S.C. § 30118(a). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in black ink that reads "Mark Allen".

Mark Allen
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

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3 RESPONDENT: John Rowland

MUR 6566

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5 **FACTUAL AND LEGAL ANALYSIS**

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7 **I. INTRODUCTION**

8 This matter was generated by a Complaint filed with the Federal Election
9 Commission alleging that Apple Health Care, Inc. ("Apple Health") made in-kind
10 contributions to Lisa Wilson-Foley for Congress (the "Committee") in violation of the
11 Federal Election Campaign Act of 1971, as amended (the "Act").¹ Specifically, the
12 Complaint alleges that Apple Health paid John Rowland, a former governor of
13 Connecticut, as a "consultant" while he provided campaign work for the Committee,
14 suggesting that those payments were in fact payments for services Rowland provided the
15 campaign.² The president of Apple Health is Brian Foley, the spouse of Lisa Wilson-
16 Foley.

17 **II. FACTUAL AND LEGAL ANALYSIS**

18 Corporations are prohibited from contributing to federal candidate committees.³
19 Corporate officers and directors may not "consent" to any contribution by the corporation
20 that is prohibited by section 30118(a).⁴ The Act further prohibits any candidate, political
21 committee, or other person from knowingly accepting or receiving an impermissible

¹ The Committee is the principal campaign committee of Lisa Wilson-Foley, a candidate for the U.S. House of Representatives in the Fifth Congressional District of Connecticut in 2012.

² Compl. ¶ 6, MUR 6566. The same allegations were made in the Complaint in MUR 6604. The Commission severed these allegations from MUR 6604 and merged them into MUR 6566.

³ 52 U.S.C. § 30118(a).

⁴ *Id.*

1 corporate contribution.⁵ “Contribution” under the Act and Commission regulations
2 includes the payment by any person of compensation for the personal services of another
3 person rendered to a political committee without charge for any purpose.⁶

4 The Complaint alleges that Rowland was a paid consultant for Apple Health while
5 he provided assistance to the Wilson-Foley campaign, purportedly in a volunteer
6 capacity.⁷ The Complaint further alleges that Apple Health’s payments to Rowland may
7 have constituted unreported corporate contributions from Apple Health to the
8 Committee.⁸

9 Rowland is not an officer or director of Apple Health and consequently would not
10 have authorized or consented to the alleged corporate contribution.⁹ Nor does Rowland
11 appear to have accepted the alleged contribution for the Committee because there did not
12 appear to be an agency relationship between Rowland and the Committee. Although the
13 evidence now shows that Brian Foley paid Rowland, it remains that Rowland neither
14 made nor accepted the contribution to the Committee.¹⁰

⁵ *Id.*

⁶ 52 U.S.C. § 30101(8)(A)(ii); 11 C.F.R. §§ 100.52(d), 100.54.

⁷ Compl. ¶ 1, MUR 6566.

⁸ *Id.* ¶ 6.

⁹ See 52 U.S.C. § 30118(a).

¹⁰ See *United States v. Brian Foley*, Crim. No. 3:14CR-65 (D. Conn. Mar. 31, 2014). Rowland was tried and found guilty of aiding and abetting violations of 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f) (now 52 U.S.C. §§ 30116(a)(1)(A) and 30116(f)) (making and accepting excessive contributions) and for violating 18 U.S.C. §§ 1519 (falsification of records), 371 (conspiracy), and 1001 (false statements). See Jury Verdict, *United States v. Rowland*, Crim. No. 3:14CR-79 (D. Conn. Sept. 19, 2014). On March 18, 2015, he was sentenced to 30 months in prison. See Sentencing, *United States v. Rowland*, Crim. No. 3:14CR-79 (D. Conn. Mar. 18, 2015). Rowland’s conviction was affirmed on appeal. See *United States v. Rowland*, 826 F.3d 100 (2d Cir. 2016).

2 violated 52 U.S.C. § 30118(a).

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